

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 09-05038-01-CR-SW-GAF
)	
DONALD LEE ZAERR,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

The matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. The Forfeiture Allegation sought forfeiture of:

1. E-Machine, CPU SN #CBM32E0020728;
2. Homebuilt CPU ID #CBW00090;
3. Gateway CPU SN #GCX7221000041;
4. E-Machine CPU Tower, SN #GCDG120004325;
5. HP OMNZBook, SN #TWO1603224;
6. Homebuilt CPU, No Serial Number;
7. Compaq Presario, SN #X820BXR87330;
8. Dell Dimension 2400, SN # CN0T54387082158NN0P0;
9. Dell Dimension 2400, SN # CN0T543870821598536A;
10. Dell Dimension 2400, SN # CN0YD5447082168B430Q;
11. Dell Dimension E310, SN #459WK91;
12. Gateway Essential 500, SN # 0017754063;
13. Four Thumb Drives; and
14. 28 CDR disks;

all pursuant to 18 U.S.C. § 2253(a).

On December 21, 2009, defendant Donald Lee Zaerr pled guilty to Counts One and Two of the Indictment and agreed to forfeit to the United States the property described above and in the Forfeiture Allegation of the Indictment.

The Court has determined, based upon defendant Donald Lee Zaerr's guilty pleas on December 21, 2009, that the United States has established the requisite nexus between the described property and the offenses to which defendant Donald Lee Zaerr has pled guilty.

By virtue of the guilty pleas, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 18 U.S.C. § 2253.

Accordingly, it is hereby **ORDERED**:

1. Based upon the defendant's guilty pleas to Counts One and Two of the Indictment and his admission to the Forfeiture Allegation of the Indictment, the following property:

1. E-Machine, CPU SN #CBM32E0020728;
2. Homebuilt CPU ID #CBW00090;
3. Gateway CPU SN #GCX7221000041;
4. E-Machine CPU Tower, SN #GCDG120004325;
5. HP OMNZBook, SN #TWO1603224;
6. Homebuilt CPU, No Serial Number;
7. Compaq Presario, SN #X820BXR87330;
8. Dell Dimension 2400, SN # CN0T54387082158NN0P0;
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10. Dell Dimension 2400, SN # CN0YD5447082168B430Q;
11. Dell Dimension E310, SN #459WK91;
12. Gateway Essential 500, SN # 0017754063;
13. Four Thumb Drives; and
14. 28 CDR disks;

is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

2. Upon Entry of this Order, the United States or its designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish for 30 consecutive days on the Internet site www.forfeiture.gov, notice of this Order, notice of the United States' intent to dispose of the property in such a manner as the Attorney General may direct, and notice that any person, other than defendant Donald Lee Zaerr, having or claiming a legal interest in the

above-described property must file a petition with the Court (and serve a copy on Robyn L. McKee, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the Defendant at the time of sentencing (or before if the Defendant consents) and shall be part of the sentence and included in the judgment.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: January 7, 2010